

more than 50 percent in recent years as reported by the Standing Committee on Research and Statistics and other independent sources monitoring the fishery;

Whereas insufficient data reporting in combination with unreliable national catch statistics resulting from inadequate or non-existent catch monitoring and observer programs has frequently undermined efforts by the Commission to determine the levels of overharvests by specific countries;

Whereas the failure of many Commission members fishing for eastern Atlantic and Mediterranean bluefin tuna east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas it is widely recognized that some fishing vessels, in particular those participating in illegal, unregulated, and unreported fishing, have little incentive to cease these infractions due to a lack of adequate sanctions;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2008 stock assessment that the fishing mortality rate for the eastern Atlantic and Mediterranean stock was more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level and that unless fishing mortality rates are substantially reduced in the near future, further reduction in spawning stock biomass is likely to occur leading to a risk of fisheries and stock collapse;

Whereas the Commission's Standing Committee on Research and Statistics has recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced to levels between 15,000 and 8,500 metric tons to halt the decline of the resource and initiate rebuilding, and indicated that a total allowable catch of 8,500 has a higher probability of rebuilding the stock within the Commission's established time frame;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), which was amended in 2008, containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock by the year 2023;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and continuing information and repeated warnings by the Standing Committee on Research and Statistics indicate that current implementation of the plan is unlikely to achieve its goals;

Whereas the Principality of Monaco has submitted a petition to list Atlantic bluefin tuna under Appendix I of the Convention on International Trade in Endangered Species of Fauna and Flora, and while the United States did not cosponsor this petition, the Administration has expressed its support for this petition unless the Commission "adopts significantly strengthened management and compliance measures" for countries fishing on the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, including a closure to directed fishing in the spawning grounds of the Gulf of Mexico, and these recommendations have been fully implemented by Nations fishing west of 45 degrees west longitude;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low, especially for the United States;

Whereas scientific evidence now provides indisputable evidence from electronic tagging studies and other scientific research that mixing of the eastern and western Atlantic bluefin tuna stocks occurs throughout the Atlantic ocean on feeding and fishing grounds, and the poor management and non-compliance with the Commission's Recovery Plan for the eastern Atlantic stock is having an adverse impact on the western Atlantic stock and United States fisheries;

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks, which will assist in the conservation, recovery, and management of the species throughout its range;

Whereas a 2008 Independent Review of the Commission concluded that the Commission's management of bluefin tuna in the eastern Atlantic and Mediterranean has been "widely regarded as an international disgrace": Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States delegation to the 21st Regular Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) seek the adoption of all revisions to the Recovery Plan for eastern Atlantic and Mediterranean bluefin tuna that will conform the Plan to the scientific advice provided by the Standing Committee on Research and Statistics and has a high probability of achieving the established rebuilding target within the established time frame, including a strict penalty regime and other appropriate mechanisms to verify and ensure compliance;

(2) seek to expand time and area closures of spawning areas in the Mediterranean in full conformity with the scientific advice provided by the Standing Committee on Research and Statistics;

(3) pursue the continued aggressive review and assessment by the Commission's Committee on Compliance of compliance with conservation and management measures, including data collection and reporting requirements, adopted by the Commission and in effect for the 2009 eastern Atlantic and Mediterranean bluefin tuna fishery, occurring east of 45 degrees west longitude, and other fisheries that are subject to the jurisdiction of the Commission;

(4) aggressively seek to address noncompliance with such measures by all parties to the Convention through all appropriate actions;

(5) pursue the commitment by the Commission and its parties to fund additional research on both the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks including but not limited to the extent to which the stocks mix; and

(6) strenuously defend the interests of United States with regard to Atlantic bluefin tuna, Atlantic swordfish, and other species managed by the Commission, including the protection of U.S. quota shares.

ORDERS FOR TUESDAY, NOVEMBER 10, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, November 10; that following the prayer and pledge, the Journal of proceedings be

approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a moment of silence to honor the victims of the attack at Fort Hood, TX, that occurred on November 5; that following the moment of silence, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of H.R. 3082, and I would hope people would be ready to offer amendments tomorrow; and finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Tuesday, November 10, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

PENSION BENEFIT GUARANTY CORPORATION

JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION, VICE CHARLES E. F. MILLARD.

DEPARTMENT OF STATE

EILEEN CHAMBERLAIN DONAHUE, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE UNITED STATES REPRESENTATIVE TO THE UN HUMAN RIGHTS COUNCIL.

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PEACE CORPS

CAROLYN HESSLER RADELET, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE JOSEPHINE K. OLSEN, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

RAUL PEREA-HENZE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE PATRICK W. DUNNE.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

JEFFREY D. ADLER, OF CALIFORNIA
JAMAL ALI AL-MUSSAWI, OF TEXAS
GARY BRENT APPLEGAR, OF THE DISTRICT OF COLUMBIA

KATHERINE ARCIERI, OF NEW JERSEY
MARK ERNEST AZUA, OF ILLINOIS
JOHN WEIL BARBIAN, OF ILLINOIS
JEREMY KENT BARNUM, OF THE DISTRICT OF COLUMBIA
DAVID A. BAXTER, OF VIRGINIA
SHANNON D. BEHAJ, OF DELAWARE
LYNETTE MARIE BEHNKE, OF CALIFORNIA
PAMELA J. BENTLEY, OF CALIFORNIA
ERIK WAYNE BLACK, OF CALIFORNIA
STEPHEN G. BLACK, OF NEW YORK